

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PORTEAL GROOM

Petitioner

v.

UNITED STATES OF AMERICA

Respondent

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Civil No. PJM 99-2881
Criminal No. PJM 95-0294

MEMORANDUM OPINION

Petitioner Portéal Groom moves the Court to “reinstate” his petition filed pursuant to 28 U.S.C. § 2255, which the Court denied by Order dated May 24, 2001. For the following reasons, Petitioner’s Motion to Reinstate 28 U.S.C. § 2255 - Habeas Petition [Paper No. 228] is **DENIED**.

Petitioner argues in essence that the Court failed to fully address the ineffective assistance of counsel claims that he feels were raised or at least suggested by his petition. Petitioner overlooks the fact that he took an appeal from the May 24, 2001 Order, as to which the United States Court of Appeals for the Fourth Circuit denied a Certificate of Appealability by *per curiam* opinion dated December 6, 2001, and the United States Supreme Court denied a petition for *writ of certiorari* on April 15, 2002.

The present Motion to Reinstate the original Section 2255 Petition was filed on June 3, 2008, more than six years later. Whatever concerns about the effectiveness of his trial counsel Petitioner may still harbor, the Court is aware of no authority that would permit it to simply re-open a Section 2255 proceeding that was denied with finality, all the way up to the Supreme Court, more than six years ago.

In any case, having reviewed the Motion to Reinstate on the merits, the Court is satisfied that none of the issues Petitioner raises would have affected the outcome of his trial, as to which there was overwhelming evidence of his guilt.

Accordingly, the Motion to Reinstate 28 U.S.C. § 2255 - Habeas Petition [Paper No. 228] is **DENIED**.

A separate order will **ISSUE**.

December 17, 2008

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE